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C O N F I D E N T I A L SECTION 01 OF 04 DHAKA 006184

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TAGS: PGOV PREL PHUM KDEM BG UK AS CA

SUBJECT: QUAD AGREEMENT ON BANGLADESH ELECTION THRESHOLDS
AND CARETAKER GOVERNMENT ENGAGEMENT FRAMEWORK

REF: A. OTTAWA 1686

1B. DHAKA 3870
1C. DHAKA 4254

Classified By: DCM Geeta Pasi; reason 1.4(d)

11. (C) On October 4, the U.S., U.K., Australian, and Canadian heads of mission met and gave final approval for the UK-drafted elections threshold paper and the U.S.-drafted caretaker government engagement framework (see below). The heads of mission also discussed efforts to promote dialogue and confidence building measures between the ruling Bangladesh Nationalist Party and the opposition Awami League, which continues to threaten street action and an election boycott absent major changes in the electoral and caretaker regime systems.

12. (C) The U.S., U.K., Australian and Canadian heads of mission have been meeting informally since July to coordinate strategies with regard to the upcoming 2007 elections. This small grouping, which maintains a decidedly low profile, seeks to facilitate cooperation in a manner that the unwieldy "Tuesday Group" (a larger group) did not successfully manage.

13. (SBU) Texts of the elections thresholds paper and the caretaker government engagement framework are set out below.

BEGIN TEXT

Election Thresholds Paper

Introduction

Bangladesh is at a critical juncture. The next parliamentary election, under the provisions of the Constitution, is scheduled to be held in January 2007. It is potentially a defining moment in the country's history, not least for the maintenance of democracy. A contested election seen to be free, fair, peaceful, and accepted by all is essential if Bangladesh is to strengthen its democratic credentials and improve governance. A failed election could damage the social fabric of Bangladesh, impair its democratic foundations, fuel the rise of extremism, and impact on the country's ability to meet its MDG targets.

The burgeoning political-criminal nexus that afflicts Bangladeshi politics has led to the existence of a "winner takes all" mentality, which in large part shapes the actions of the major political parties. Unless harnessed and monitored, the opportunities for violence, fraud, and election engineering are very real. The incumbent government (the BNP led 4 Party alliance) already stands accused of attempts to manipulate the election. The most serious allegations relate to:

-- The appointments of: the Chief Election Commissioner - who is viewed as incapable of discharging his duties in a transparent and competent manner - and the Chief Adviser (the last Chief Justice) to the Caretaker Government - an ex-BNP party member whose appointment was engineered through a change in retirement rules;

-- Manipulation of the voter list; and

-- Appointment of people loyal to BNP/Jamaat (including in the public sector) to positions where they can influence both the conduct and the outcome of the election, including at the district level.

Against this backdrop, this paper seeks to identify a set of thresholds against three key issues, which can be applied to the election and which the international community is able to use to measure the success of the election under the following criteria: Free, Fair, Peaceful, Contested, and Accepted.

An Independent and Competent Election Commission (EC)

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Measures:

-- The Chief Election Commissioner should immediately take the necessary steps to address the perceptions of incompetence and bias which are undermining public confidence in the electoral process.

-- The EC acts independently of the government in a manner that is both transparent and competent (including dialogue with all stakeholders in the electoral process).

-- The EC delivers an accurate and inclusive (with religious minorities, people with disabilities, ultra poor and women included) voter's list. Inaccuracies within the list must fall within internationally accepted norms.

-- The EC administers voting day in a transparent and competent manner:

-- Voters have access to well designed, un-tampered ballots;

-- Poll officers are properly trained;

-- Domestic and international observers have unlimited access to polling stations, vote counting centers, and the storage, labeling, transportation, and opening of ballot boxes.

-- The compilation and announcement of results is transparent.

-- The EC investigates and takes action on reported cases of candidate spending using "black money" and cases of vote buying and vote fraud.

A Credible Caretaker Government (CG) and President

Measures:

-- The Caretaker Government should be formed according to the rules provided in the Constitution and discharge its duties in a transparent, impartial, and non-partisan manner.

-- The 10 Advisers of the Caretaker Government (CG) are selected in a transparent and fair manner and in consultation with all stakeholders. Members discharge their duties in a non-partisan fashion, free from intimidation.

-- The CG ensures equal, non-partisan election coverage by state-owned media.

-- In the pre-poll period, the CG sets clear written guidelines for the behavior and actions of officials, including police and local government; investigates without delay all allegations of malfeasance by such officials which could distort the vote; and acts promptly to counter any wrongdoing, including by removal/transfer of offending officials.

-- The President acts in a non-partisan fashion during the period of the CG, particularly with regard to the conduct and possible deployment of the military.

A Peaceful Election

Measures:

-- Violence and intimidation are not used by the government or the opposition as a tactic to secure votes or disenfranchise voters. All violence is condemned by the CG.

-- Attacks on candidates condemned by all sides. Responsible agencies provide adequate levels of security to candidates and officials.

-- When marshalling peaceful protests/ campaign rallies, law enforcement agencies monitor but do not interfere in peaceful demonstrations which do not threaten harm to people or property and, if obliged to respond to violence, do not do so

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disproportionately.

-- Law enforcement agencies, particularly the Rapid Action Battalion, do not assume roles which exceed those expected of them and do not act in a partisan manner.

-- The media, civil society organizations and religious minority groups enjoy freedom of expression and are not targets of violence.

-- If serious pre- or post-election violence erupts, the appropriate law enforcement and military personnel are deployed to carry out a mandate that is limited to the electoral process and public safety, and do so.

Other Measures

-- The election should be time bound and held as planned in January 2007.

-- In case of an opposition boycott, voter turnout must be at a credible level.

IMPLEMENTATION

It will not necessarily be the case that failure under a majority of measures in each heading will constitute overall failure; certain indicators carry more weight than others. But it is against these measures that the electoral process

and behavior of the political parties, the CG, and EC will now be judged. The cumulative effect of their actions will determine our final decision.

COMMUNICATIONS

Though these thresholds should not become public property, it is important that we are able to share our "expectations" with all, making it clear that the whole process is under scrutiny. We can take a proactive approach to this, e.g. through press conferences, statements, placed articles, interviews etc., and for greatest impact seek to do so both individually and collectively, though groupings should not be limited to Tea-Group members. We should look to include/persuade other like-minded partners (e.g. EU, Japan) to participate.

Follow-up will be reactive and determined by the actions of those under scrutiny against the measures set out above. The nature of our response/reaction will be decided on a case by case visit.

END TEXT OF ELECTIONS THRESHHOLDS PAPER

BEGIN TEXT

Caretaker Government Engagement Framework

I Primary Objective

To encourage and support Caretaker Government efforts to hold a successful election.

II The Key Threats to a Successful Election

- ¶1. Violence of a magnitude that challenges government authority and the anticipated election schedule.
- ¶2. Concrete moves by the Awami League to boycott the election, either on a pretext or because of a significantly lopsided playing field.

III What a Good Chief Caretaker Adviser Should Do

- ¶1. Appoint credible caretaker ministers.

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- ¶2. Affirm commitment to a free and fair election.
- ¶3. Ensure equal, non-partisan election coverage by state-owned media.
- ¶4. Examine/redress the appointment of blatantly political police and local government officials placed to manipulate the electoral process.
- ¶5. Establish a productive relationship with the Chief Election Commissioner.
- ¶6. Condemn and take effective action against election-related violence, including attacks on religious minorities and the media.
- ¶7. Support as needed local and foreign election observers.
- ¶8. Avoid real or perceived acts of partisanship to minimize prospects of an election boycott.
- ¶9. Ensure law enforcement agencies, particularly the Rapid Action Battalion, do not act in a partisan manner.
- ¶10. Support the appropriate deployment, and powers, of law enforcement and military personnel.

IV What the USG Should Do

- ¶1. Seek an early meeting with the Chief Caretaker Adviser to underscore our support without favor for a successful

election.

¶2. Meet early with all half-dozen Caretaker ministers to identify potential partners/major problems and underscore key USG objectives and concerns.

¶3. Meet early and regularly with key ministerial Secretaries (Home, Foreign Affairs, Finance) and the Chief of Army Staff/other key military officers to underscore objectives and concerns and work problems (e.g., violence or a flagrantly flawed voter list) that threaten a successful election.

¶4. Work with officials to ensure that foreign, and local, observers have the conditions to be successful.

¶5. Support Caretaker Government efforts in support of Section III items.

V What Should Be Done Multilaterally

¶1. Multilateral and bilateral donors should parallel our actions and statements.

¶2. If there is a major threat to the election, like a tactical Awami League boycott of the election in pursuit of a 1996 strategy of confrontation or if the Chief Election Commissioner has become an insurmountable obstacle or if BNP/JI-linked violence has reached precipitous levels, a diplomatic coalition of the willing should act in concert, either with public statements or via group demarches.

END TEXT.

¶4. (C) Comment: The group plans to continue meeting regularly and will discuss next steps on the heels of the dialogue progress reported septel. End comment.

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